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9. (Amended) A method of distributing a software package to at least a first and second target node over at least one common network link, said software package comprising at least a first package and a second package, wherein the contents of said second package are determined by a distribution server before the contents are distributed, said first software package already being present on said second node, said method comprising the steps of:

sending said software package over said common network link; thereafter sending only said second package to said second target node; and sending said software package to said first target node;

whereby both the first and second packages are distributed to both said first and second target nodes.

REMARKS

Upon entry of the foregoing amendments, Claims 1-9 are pending in the application, with Claims 1, 8, and 9 being the independent claims.

Applicants wish to thank Examiner Prieto for the thorough analysis of the claims and the prior art, and for granting the March 5, 2002 Telephone Interview. The Interview was very helpful to the Applicants, and allowed the Applicants to better understand the Examiner's position. In the Interview, the independent claims, U.S. Patent 5,706,431 to Otto ("Otto") and U.S. Patent 5,494,610 to Shing et al. ("Shing") were discussed. During the Interview, Applicants noted that at least the following feature described in the subject application was not disclosed in or suggested by the art of record: the contents of the packages distributed to the target nodes are determined by a distribution server before the contents are distributed to the target nodes. No agreement was reached, but it was Applicants' understanding that the submission of a response consistent with the issues discussed during the interview would place the application in condition

for allowance. Applicants respectfully submit that the claims have been amended in a manner consistent with the issues discussed during the interview and are in condition for allowance. In addition, Applicants note that the requested Power of Attorney was filed on March 12, 2002.

The Office Action rejected pending Claims 1-9 under 35 U.S. C. 103(a) over Otto in view of Shing. Applicants respectfully submit that a proper combination of Otto and Shing does not disclose or suggest every element recited in the claims, and accordingly traverses this rejection.

The Office Action explains that the Otto patent teaches a system and method for hierarchical distribution of software allowing distribution of a software package with at least a first and second package to a plurality of target nodes. According to Otto, the target nodes initiate the software distribution process by first sending a status report to a server (or higher level node). In contrast to Otto, the claims of the present application recite that “the contents of said first and second package are determined by a distribution server before the contents are distributed.”

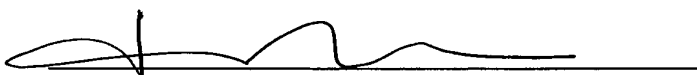
For at least the reasons set forth above, a proper combination of Otto and Shing fail to suggest or teach all the elements of independent Claims 1, 8, and 9. The dependent Claims 2-7 are dependent either directly or indirectly on Claim 1, and are allowable for at least the same reasons set forth herein with respect to independent Claim 1, and further in view of their own respective features.

CONCLUSION

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. The Examiner is invited to contact the undersigned by telephone should the Examiner believe that personal communication will expedite prosecution of this application.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

A handwritten signature in black ink, appearing to read 'Steven B. Kelber', is written over a horizontal line.

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MARKED-UP COPY OF AMENDED CLAIMS

1. (Amended) Apparatus for hierarchical software allowing distribution of a software package comprising at least a first and second package to a plurality of target nodes, wherein the contents of said first and second package are determined by a distribution server before the contents are distributed, said apparatus comprising:

a distribution node for transmitting packages of software;

a first branch node in communication with said distribution node, said first branch node being arranged to receive said software package from said distribution node;

first and second target nodes, said first target node being in communication with said first branch node via a first network link, and said second target node being in communication with said first branch node via a second network link; said first package already being present on said second target node;

said first branch node being arranged to transmit said software package over said first network link, and said second package over only said second network link;

whereby both the first and second packages are distributed to both said first and second target nodes.

8. (Amended) Apparatus for hierarchal software allowing distribution of a software package comprising at least a first and second package to a plurality of target nodes, wherein the contents of said first and second package are determined by a distribution server before the contents are distributed, said apparatus comprising:

a distribution node for transmitting packages of software;

at least one branch node in communication with said distribution node; and

first and second target nodes, said first target node being in communication with said branch node via a first network link, and said second target node being in communication with said branch node via a second network link; said first package already being present on said second target node;

each branch node being arranged to receive each of said first and second packages from said distribution node independently;

said branch node being arranged to transmit said first package via said first and second network links to said first and second target nodes, and said second package via said second network link to said second target node; and

said target nodes being arranged to install each package once the package is received;

whereby the complete software package is installed on each of said first and second target nodes.

9. (Amended) A method of distributing a software package to at least a first and second target node over at least one common network link, said software package comprising at least a first package and a second package, wherein the contents of said second package are determined by a distribution server before the contents are distributed, said first software package already being present on said second node, said method comprising the steps of:

sending said software package over said common network link; thereafter sending only said second package to said second target node; and sending said software package to said first target node;

whereby both the first and second packages are distributed to both said first and second target nodes.